

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GILBERT G. LUNDSTROM,

Defendant.

4:14-CR-3136

ORDER ON DEFENDANT'S
MOTION TO CONTINUE
SENTENCING HEARING AND
AMENDED ORDER ON
SENTENCING SCHEDULE

This matter is before the Court on the defendant's motion to continue the sentencing hearing in this matter (filing [201](#)). The parties having been heard, and good cause having been shown, this motion will be granted. The sentencing hearing shall be rescheduled for March 23, 2016 at 9:00 a.m., and the sentencing schedule shall be amended as set forth below.

IT IS ORDERED:

1. The defendant's motion to continue (filing [201](#)) is granted.
2. The following deadlines and procedures are set in this case:

a) **March 2, 2016:**

- i. Defense counsel's filing and serving on all other parties and the probation officer a supplementary written statement of position respecting loss calculation, restitution, and forfeiture.
- ii. By both parties, production of any documentary evidence (in the form of affidavit, letter, report, or other document) to be offered at sentencing, and disclosure of any witnesses desired to testify at sentencing. If a witness is desired to testify, the disclosure must reveal (1) the nature of the expected testimony, (2) the necessity for oral testimony, instead of documentary evidence, such as affidavits, (3) the identity of each proposed witness, and (4) the length of time anticipated for presentation of the direct examination of the witness or witnesses. If a request for oral or documentary

evidence is made by one party but not by the adverse party, the adverse party within five working days thereafter may make a responsive request for oral or documentary evidence, setting out details in the same manner as required by this paragraph.

- b) **March 9, 2016**: Judge's notice to counsel of rulings, tentative findings, whether oral testimony is to be permitted, and how objections to tentative findings may be made.
- c) The following procedures shall apply to objections to tentative findings:
 - i. A written objection to tentative findings is not required if no evidence will be offered in support of the objection to tentative findings and no new substantial issue of law will be raised in support of an objection to tentative findings. In such a case, an oral objection to the tentative findings may be made at the time of sentencing.
 - ii. A written objection to tentative findings is required if evidence will be offered in support of the objection to the tentative findings or if a new substantial issue of law is raised in support of the objection to the tentative findings. If evidence will be offered in support of the written objection to the tentative findings, the written objection shall include a statement describing why an evidentiary hearing is required, what evidence will be presented, and how long such a hearing would take. If a new substantial issue of law is raised in support of the written objection to tentative findings, such an objection shall be supported by a brief. Unless the court orders otherwise, a written objection to the tentative findings will be resolved at sentencing in such manner as the court deems appropriate.
 - iii. Any written objection to tentative findings shall be filed no later than five business days prior to the date set for sentencing.
- d) **March 23, 2016 at 9:00 a.m.**: Sentencing before Judge Gerrard in Lincoln, Courtroom #1.

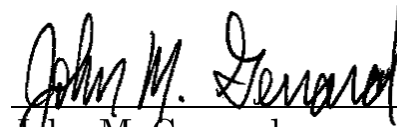
A probation officer must submit a sentencing recommendation to the sentencing judge no later than

seven days after the issuance of an order described in subparagraph (b) or, if no order is issued, no later than 14 days after the date set in subparagraph (a). The probation officer is directed to provide copies of any sentencing recommendation to counsel for the government and counsel for the defendant at the time the recommendation is submitted to the sentencing judge.

3. All other deadline and procedures set forth by the Amended Order on Sentencing Schedule (filing [151](#)) shall remain in place unaltered.

Dated this 17th day of February, 2016.

BY THE COURT:



John M. Gerrard
United States District Judge